

Notice of Allowability

Application No.

09/501,078

Examiner

Michael Y. Won

Applicant(s)

NETZER ET AL.

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 4/5/05.
2. ☒ The allowed claim(s) is/are 7-11, 13, 31-33, 35-51, 58 and 59 (re-numbered as 1-28).
3. ☒ The drawings filed on 09 February 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

SALEH NAJJAR
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Maier Fenster (Reg. No. 41,016) on June 6, 2005.

2. The application has been amended as follows: Claims 52-54 and 57 have been cancelled.

Allowable Subject Matter

3. Based on the arguments presented and in light of the amendments filed on April 5, 2005, claims 7-11, 13, 31-33, 35-51, 58, and 59 are allowable over prior art made of record.

4. The following is an examiner's statement of reasons for allowance:

Prior art of record do not explicitly teach, disclose, or suggest a method of scheduling the handling of a plurality of connections within a computer to computer data transfer regulating environment "wherein scheduling the processor to process data comprises scheduling in two stages comprising: a first stage including determining

possible scheduling options at least partially responsive to the respective cycle schemes of the connections, but without relation to determined quality of service levels; and a second stage, following the first stage, including determining a scheduling order responsive to the determined possible scheduling options at least partially responsive to relative values of the determined quality of server" as recited in claim 31.

Prior art of record do not explicitly teach, disclose, or suggest a system of scheduling the handling of a plurality of connections within a computer to computer data transfer regulating environment "wherein the scheduler determines for a plurality of the channels a quality of service levels, determines one or more possible scheduling options of the plurality of connections responsive to the respective cycle schemes of the connections and schedules the processor to handle data of the channels in accordance with one of the determined possible scheduling options, selected according to the determined quality of service levels" as recited in claim 47.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Newly cited reference Gemar et al. (US 6,262,989 B1) teaches of a traffic manager including a scheduler associated with a plurality of connections. "The scheduler attempts to select particular connections for transmission at particular times

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to guarantee conformance to traffic contracts and to QOS at network ingress points.

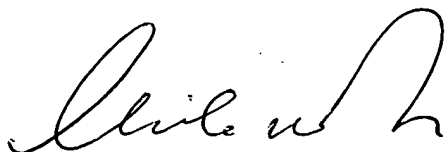
This selection process, or scheduling, selects various connections for transmission based upon operational parameters associated with each connection, with feedback from the network, and with traffic mode timing requirements" (see col.2, lines 22-29).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

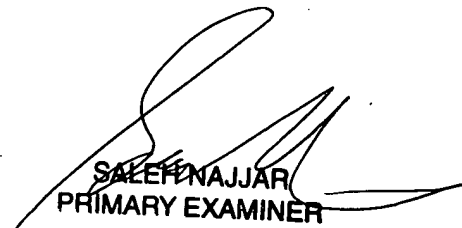
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



June 6, 2005



SALEH NAJJAR
PRIMARY EXAMINER